

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHAWN MATTEO and	:	CIVIL ACTION
JOSEPH MATTEO, W/H	:	
	:	NO: 02-CV-2706
v.	:	
	:	
BENNIGAN'S RESTAURANT, BENNIGAN'S,	:	JURY TRIAL DEMANDED
STEAK AND ALE OF PENNSYLVANIA, INC.,	:	
and METROMEDIA RESTAURANT SERVICES, INC.	:	

DISCOVERY PLAN

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, all parties have conferred through their counsel and jointly propose the following discovery plan:

Section 26(f)(1)

Pursuant to Rule 26(f) the parties conferred via telephone regarding the nature of the claims and defenses, and developed this proposed discovery.

By letter of June 12, 2002, Plaintiffs and Defendant agreed to waive Initial Disclosures pursuant to Rule 26(1) and exchanged written discovery thereafter.

Section 26(f)(2)

Discovery shall focus on the issues of breach of duty, causation and damages. In September 2002, parties expect to conduct the depositions of Plaintiffs, representatives of Defendant, any and all witnesses present at the restaurant, and any and all witnesses with knowledge of the injuries alleged in Plaintiffs' complaint including physicians and other medical care providers who have treated and provided diagnostic services to Plaintiff Shawn Matteo. Defendant may also request Plaintiff Shawn Matteo to submit to a medical examination. Both parties may consult and retain experts regarding the issues of causation and damages.

Defendant removed the above captioned matter to this Court on or about May 6, 2002. Through counsel, the parties agree that discovery should be completed according to the proposed Scheduling Order, attached hereto.

Section 26(f)(3)

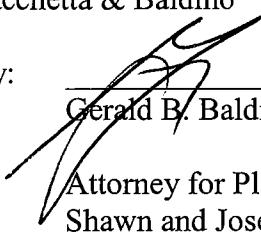
The parties propose no limitations on discovery in addition to those imposed by the Federal Rules of Civil Procedure or the Local Rules of this Court.

Section 26(f)(4)

Pursuant to the agreement of the parties, Plaintiffs and Defendant respectfully request that this Honorable Court enter the proposed Scheduling Order, attached hereto.

Respectfully submitted,

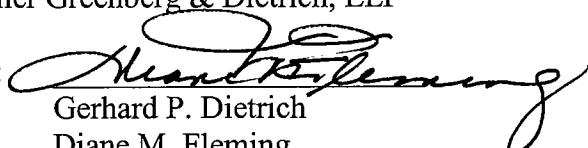
Sacchetta & Baldino

By: 

Gerald B. Baldino

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Shawn and Joseph Matteo

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Steak and Ale of Pennsylvania, Inc.